(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

CRIMINAL MISCELLANEOUS APPLICATION NO. 66 OF 2004.

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr. J.P. D'Souza, Advocate for the Applicant.

Mr. S.N. Sardessai, Public Prosecutor for the Respondent State.

Coram : P.V. HARDAS, J.

Date : 2nd April 2004.

P.C.: The applicant herein came to be arrested in Crime No. 6/2003 on the allegations that he was found in possession of 110 grams of brown sugar and 562 grams of charas. Undisputedly the quantity of the various contraband in the possession of the applicant is more than the small quantity but less than the commercial and large quantity. On an application moved by the applicant seeking his release on bail, the Special Judge, N.D.P.S. Court, Mapusa, by Order, dated 1st March 2004, in Special Bail Application No. 7 of 2004, rejected

the said application on the ground that the applicant was a native of Uttar Pradesh having no roots in Goa and there was a likelihood of the applicant/accused jumping bail, in the event of his release.

2. A similar apprehension has been expressed by Mr. Sardessai, the learned Public Prosecutor appearing for the respondent State, that the applicant, in the event of his release, was likely to jump bail, since the applicant does not have roots in Goa. According to me, the apprehension of the prosecution can be allayed by putting the applicant to strict terms by imposing stringent conditions.

3. Mr. D'Souza, the learned counsel appearing for the applicant, has stated that the applicant volunteers to stay in the State of Goa till the conclusion of the trial and will not leave the State of Goa without obtaining the prior

permission of the trial Judge deciding the trial. The applicant, according to me, is entitled to be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one local surety in the like amount to the satisfaction of the Special Judge, N.D.P.S. Court, Mapusa, on the following conditions:-

(1) As volunteered, the applicant shall not leave the State of Goa without the prior permission of the Special Judge, N.D.P.S. Court, Mapusa.

(2) The applicant shall report to the Anti Narcotic Cell Police Station, Panaji, on the first Sunday of each month till the conclusion of the trial.

(3) The applicant shall not directly or indirectly influence the prosecution witnesses nor shall he attempt to tamper with the

prosecution evidence.

(4) The applicant shall intimate the Special Judge, N.D.P.S. Court, Mapusa and the concerned Police Station of his address at Goa and shall, in case of change of address, intimate accordingly.

4. On the aforesaid conditions Criminal Miscellaneous Application is allowed. Copy duly authenticated by the Court Sheristedar be given to the counsel for the applicant.

P.V. HARDAS, J.

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